IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE

NORTHEASTERN DIVISION

Ernest Lane Tribble

PLAINTIFF

Vs Civ No. 2:12-cv-00279

Dr. William R. Kincaid AND

McLeod Cancer and Blood Center,

East Tennessee Hematology-Oncology, PC

DEFENDANTS

COMPLAINT

Plaintiff respectfully shows unto the Court:

1. Plaintiff is the surviving husband and next of kin of Wanda Ruth Tribble, deceased.
2. Defendant Kincaid is a physician practicing the specialty of hematology and oncology. Defendant McLeod is a professional corporation with whom Defendant Kincaid practices and associates. At all times pertinent to this cause of action, Defendant Kincaid was acting as the agent, employee, and representative of Defendant McLeod.
3. This Court's jurisdiction is invoked under 28 U.S.C. 1331.
4. Mrs. Tribble suffered from breast cancer. Defendant Kincaid was her oncologist and treating physician.
5. Immediately prior to November 27, 2011, Defendant Kincaid began administering what were represented to be chemotherapy drugs to Mrs. Tribble. However, the drugs that he

administered were watered down or not approved by the Food and Drug Administration. Indeed, they were harmful. This was in violation of CPG §120.500 and other FDA regulations.

6. Mrs. Tribble's death was proximately caused by the administration of the alleged proper chemotherapy drug. Her life could have been saved with proper drugs, or at least prolonged.
7. Plaintiff is damaged by the loss of his beloved wife. He has lost the value of her services and consortium. Further, he is damaged by having to pay her last expenses.
8. Plaintiff intends to add to this case by amendment and ancillary jurisdiction a claim for medical malpractice as soon as the Tennessee statutory requirements are satisfied.

WHEREFORE, Plaintiff sues Defendants for $10,000,000.00 compensatory damages and $1,000,000.00 punitive damages, and demands a jury to try his case.

Respectfully submitted,

/s/ Wendal Jackson

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I hereby certify that on July 11, 2012 a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ Wendal Jackson